



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1684

Introduced 2/24/2005, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

20 ILCS 2905/2
20 ILCS 2910/1

from Ch. 127 1/2, par. 2
from Ch. 127 1/2, par. 501

Amends the State Fire Marshal Act and the Peace Officer Fire Investigation Act to allow arson investigators of the State Fire Marshal to exercise peace officer powers and carry weapons at all times, rather than only in the course of arson investigations. Effective immediately.

LRB094 09287 EFG 39525 b

1 AN ACT concerning law enforcement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Fire Marshal Act is amended by
5 changing Section 2 as follows:

6 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

7 Sec. 2. The Office shall have the following powers and
8 duties:

9 1. To exercise the rights, powers and duties which have
10 been vested by law in the Department of State Police as the
11 successor of the Department of Public Safety, State Fire
12 Marshal, deputy State Fire Marshal, inspectors, officers and
13 employees of the State Fire Marshal, including arson
14 investigation. Arson investigations shall be conducted by
15 State Fire Marshal Special Agents, who shall be peace officers
16 with all of the powers of peace officers in cities and sheriffs
17 in counties, except that they may exercise those powers
18 throughout the State.

19 2. To keep a record, as may be required by law, of all
20 fires occurring in the State, together with all facts,
21 statistics and circumstances, including the origin of fires.

22 3. To exercise the rights, powers and duties which have
23 been vested in the Department of State Police by the "Boiler
24 and Pressure Vessel Safety Act", approved August 7, 1951, as
25 amended.

26 4. To administer the Illinois Fire Protection Training Act.

27 5. To aid in the establishment and maintenance of the
28 training facilities and programs of the Illinois Fire Service
29 Institute.

30 6. To disburse Federal grants for fire protection purposes
31 to units of local government.

32 7. To pay to or in behalf of the City of Chicago for the

1 maintenance, expenses, facilities and structures directly
2 incident to the Chicago Fire Department training program. Such
3 payments may be made either as reimbursements for expenditures
4 previously made by the City, or as payments at the time the
5 City has incurred an obligation which is then due and payable
6 for such expenditures. Payments for the Chicago Fire Department
7 training program shall be made only for those expenditures
8 which are not claimable by the City under "An Act relating to
9 fire protection training", certified November 9, 1971, as
10 amended.

11 8. To administer General Revenue Fund grants to areas not
12 located in a fire protection district or in a municipality
13 which provides fire protection services, to defray the
14 organizational expenses of forming a fire protection district.

15 9. In cooperation with the Illinois Environmental
16 Protection Agency, to administer the Illinois Leaking
17 Underground Storage Tank program in accordance with Section 4
18 of this Act and Section 22.12 of the Environmental Protection
19 Act.

20 10. To expend state and federal funds as appropriated by
21 the General Assembly.

22 11. To provide technical assistance, to areas not located
23 in a fire protection district or in a municipality which
24 provides fire protection service, to form a fire protection
25 district, to join an existing district, or to establish a
26 municipal fire department, whichever is applicable.

27 12. To exercise such other powers and duties as may be
28 vested in the Office by law.

29 (Source: P.A. 86-761.)

30 Section 10. The Peace Officer Fire Investigation Act is
31 amended by changing Section 1 as follows:

32 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

33 Sec. 1. Peace Officer Status.

34 (a) Any person who is a sworn member of any organized and

1 paid fire department of a political subdivision of this State
2 and is authorized to investigate fires or explosions for such
3 political subdivision ~~and, or who is employed by the Office of~~
4 ~~the State Fire Marshal~~ to determine the cause, origin and
5 circumstances of ~~such~~ fires or explosions that are suspected to
6 be arson or arson-related crimes, may be classified as a peace
7 officer by the political subdivision or agency employing such
8 person. A person so classified shall possess the same powers of
9 arrest, search and seizure and the securing and service of
10 warrants as sheriffs of counties, and police officers within
11 the jurisdiction of their political subdivision. While in the
12 actual investigation and matters incident thereto, such person
13 may carry weapons as may be necessary, but only if that person
14 has satisfactorily completed (1) a training program offered or
15 approved by the Illinois Law Enforcement Training Standards
16 Board which substantially conforms to standards promulgated
17 pursuant to the Illinois Police Training Act and the Peace
18 Officer Firearm Training Act ~~"An Act in relation to firearms~~
19 ~~training for peace officers", approved August 29, 1975, as~~
20 ~~amended; or in the case of employees of the Office of the State~~
21 ~~Fire Marshal, a training course approved by the Department of~~
22 ~~State Police which also substantially conforms to standards~~
23 ~~promulgated pursuant to "An Act in relation to firearms~~
24 ~~training for peace officers", approved August 29, 1975, as~~
25 ~~amended;~~ and (2) a course in fire and arson investigation
26 approved by the Office of the State Fire Marshal pursuant to
27 the Illinois Fire Protection Training Act. Such training need
28 not include exposure to vehicle and traffic law, traffic
29 control and accident investigation, or first aid, but shall
30 include training in the law relating to the rights of persons
31 suspected of involvement in criminal activities.

32 Any person granted the powers enumerated in this subsection
33 (a) ~~Section~~ may exercise such powers only during the actual
34 investigation of the cause, origin and circumstances of such
35 fires or explosions that are suspected to be arson or
36 arson-related crimes.

1 (b) Persons employed by the Office of the State Fire
2 Marshal to conduct arson investigations shall be designated
3 State Fire Marshal Special Agents and shall be peace officers
4 with all of the powers of peace officers in cities and sheriffs
5 in counties, except that they may exercise those powers
6 throughout the State. These Special Agents may exercise these
7 powers and carry weapons at all times, but only if they have
8 satisfactorily completed (1) a training course approved by the
9 Department of State Police that substantially conforms to the
10 standards promulgated pursuant to the Peace Officer Firearm
11 Training Act and (2) a course in fire and arson investigation
12 approved by the Office of the State Fire Marshal pursuant to
13 the Illinois Fire Protection Training Act. Such training need
14 not include exposure to vehicle and traffic law, traffic
15 control and accident investigation, or first aid, but shall
16 include training in the law relating to the rights of persons
17 suspected of involvement in criminal activities.

18 The State Fire Marshal must authorize to each employee of
19 the Office of the State Fire Marshal who is exercising the
20 powers of a peace officer a distinct badge that, on its face,
21 (i) clearly states that the badge is authorized by the Office
22 of the State Fire Marshal and (ii) contains a unique
23 identifying number. No other badge shall be authorized by the
24 Office of the State Fire Marshal, except that a badge,
25 different from the badge issued to peace officers, may be
26 authorized by the Office of the State Fire Marshal for the use
27 of fire prevention inspectors employed by that Office. Nothing
28 in this subsection prohibits the State Fire Marshal from
29 issuing shields or other distinctive identification to
30 employees not exercising the powers of a peace officer if the
31 State Fire Marshal determines that a shield or distinctive
32 identification is needed by the employee to carry out his or
33 her responsibilities.

34 (Source: P.A. 92-339, eff. 8-10-01; 93-423, eff. 8-5-03.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.